

Senate Bill No. 502

CHAPTER 146

An act to amend Section 701.8 of the Public Utilities Code, relating to electricity.

[Approved by Governor August 7, 2015. Filed with
Secretary of State August 7, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 502, Leno. San Francisco Bay Area Rapid Transit District: purchase and delivery of electricity.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including electrical corporations. Existing law authorizes the San Francisco Bay Area Rapid Transit District's (BART) system to elect to obtain electricity from multiple sources, including (1) preference power purchased from a federal power marketing agency or its successor, (2) electricity supplied by one or more direct transactions, and (3) electricity supplied by any electric utility regulated by the commission that owns and operates transmission and distribution facilities that deliver electricity at one or more locations to the BART District's system. Existing law requires any electrical corporation that owns and operates transmission and distribution facilities that deliver electricity to BART, upon request by BART, to deliver preference power purchased from a federal power marketing agency, or its successor, or deliver electricity purchased from a local publicly owned electric utility without discrimination or delay.

This bill would additionally require any electrical corporation that owns and operates transmission and distribution facilities that deliver electricity to BART, upon request by BART, to deliver electricity generated by an eligible renewable energy resource without discrimination or delay. For these purposes, an "eligible renewable energy resource" would have the same meaning as defined in a specified provision of the California Renewables Portfolio Standard Program.

The people of the State of California do enact as follows:

SECTION 1. Section 701.8 of the Public Utilities Code is amended to read:

701.8. (a) To ensure that electrical corporations do not operate their transmission and distribution monopolies in a manner that impedes the ability of the San Francisco Bay Area Rapid Transit District (BART District) to reduce its electricity cost through the purchase and delivery of preference power, electrical corporations shall meet the requirements of this section.

(b) Any electrical corporation that owns and operates transmission and distribution facilities that deliver electricity at one or more locations to the BART District's system shall, upon request by the BART District, and without discrimination or delay, use the same facilities to do any or all of the following:

(1) Deliver preference power purchased from a federal power marketing agency or its successor.

(2) Deliver electricity purchased from a local publicly owned electric utility.

(3) Deliver electricity generated by an eligible renewable energy resource.

(c) Where the BART District purchases electricity at more than one location, at any voltage, from an electric utility under tariffs regulated by the commission, the utility shall bill the BART District for usage as though all the electricity purchased at transmission level voltages were metered by a single meter at one location and all the electricity purchased at subtransmission voltages were metered by a single meter at one location, provided that any billing for demand charges would be based on the coincident demand of transmission and distribution metering.

(d) If, on or after January 1, 1996, the BART District leases or has agreed to lease, as special facilities, utility plants for the purpose of receiving power at transmission level voltages, an electrical corporation may not terminate the lease without concurrence from the BART District.

(e) When the BART District elects to have electricity delivered pursuant to subdivision (b), neither Sections 365 and 366, and any commission regulations, orders, or tariffs, that implement direct transactions, are applicable, nor is the BART District an electricity supplier. Neither the commission, nor any electrical corporation that delivers the federal power or electricity purchased from a local publicly owned electric utility or generated by an eligible renewable energy resource to the BART District, shall require that an electricity supplier be designated as a condition of the delivery of that electricity.

(f) The BART District may elect to obtain electricity from the following multiple sources at the same time:

(1) Electricity delivered pursuant to subdivision (b).

(2) Electricity supplied by one or more direct transactions.

(3) Electricity from any electrical corporation that owns and operates transmission and distribution facilities that deliver electricity at one or more locations to the BART District's system.

(g) For purposes of this section, "eligible renewable energy resources" has the same meaning as defined in subdivision (e) of Section 399.12.